

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 22 2009

DAVID J. MALAND, CLERK
BY
DEPUTY

CASE NO. 4:09cv422

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

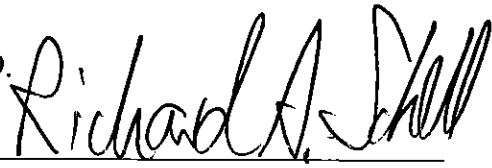
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 9, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the court enter the proposed agreed judgment attached to the parties' Notice of Agreed Judgment (Dkt. 14).

Having received the report of the United States Magistrate Judge, and the parties having waived their right to object to the report, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, the court will enter the proposed agreed judgment attached to the parties' Notice of Agreed Judgment (Dkt. 14) as the full and final judgment in this matter.

Unless otherwise agreed by the parties, all costs shall be borne by the party incurring same.

IT IS SO ORDERED.

SIGNED this 21st day of Dec., 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE